

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

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UNITED STATES PATENT AND TRADEMARK OFFICE

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte AKIHIRO NAGATA, TOSHIAKI ARAGANE,
TAKASHI HAMADA, and YOSHIKI MATSUURA

Appeal No. 2001-0368
Application No. 09/008,675

ON BRIEF

Before CAROFF, WARREN, and LIEBERMAN, Administrative Patent Judges.
CAROFF, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1-10, 13-17 and 21-26. All the other pending claims in appellants' application, claims 11-12 and 18-20, have been allowed by the examiner.

The appealed claims are directed to a method and system for vulcanizing a power transmission belt or belt sleeve involving the

Appeal No. 2001-0368
Application No. 09/008,675

use of a sheet of vapor-impervious film which is placed against and around an outwardly facing surface of the belt or belt sleeve.

Claim 1, one of two independent claims, is illustrative of the subject matter encompassed by the appealed claims and reads as follows:

1. A method of treating a power transmission belt/belt sleeve of the type having an endless body with a length extending around an axis and a radially inwardly facing surface and a radially outwardly facing surface, said method comprising the steps of:

wrapping at least one sheet of vapor-impervious film against and around the radially outwardly facing surface of the belt/belt sleeve body with the belt/belt sleeve on a support;

and

vulcanizing the belt/belt sleeve with the at least one sheet of vapor-impervious film wrapped around the belt/belt sleeve body.

The references relied upon in the examiner's final rejection are¹:

Perkins	3,031,364	April 24, 1962
Hamura et al. (Hamura)	5,192,382	March 9, 1993

¹The examiner's answer (page 9) refers to two additional references: Gilmore and Korean Abstract 90-6987. Since these additional references were not included in the initial statement of the rejection, they have not been considered. The citation of references in an examiner's answer, without including them in the statement of the rejection, serves only to confuse the issues on appeal and is a practice which cannot be condoned. In re Hoch, 166 USPQ 406, footnote 3 (CCPA 1970).

Appeal No. 2001-0368
Application No. 09/008,675

Reference cited by the Board of Patent Appeals and
Inteferences:

Webster's Seventh New Collegiate Dictionary, G. and C. Merriam
Company, 1965, page 1031.²

The following rejections are before us for consideration:

1. Claims 1, 3-6, 10, 13-14, 16-17, 21 and 24-25 stand
rejected under 35 U.S.C. § 102(b) as being clearly anticipated by
Perkins.

2. Claims 2, 15, 23 and 26 stand rejected for obviousness
under 35 U.S.C. § 103 in view of Perkins.

3. Claims 7-9 and 22 stand rejected for obviousness under 35
U.S.C. § 103 in view of Perkins taken in combination with Hamura.

We have carefully considered the entire record in light of the
positions taken by the appellants and by the examiner. Having done
so, we shall affirm each of the rejections at issue for the
following reasons:

Initially focusing upon the rejection under section 102 of the
statute, we agree with the appellants that the disclosure of a
"pressure-wrap" embodiment in Perkins (column 3, lines 50-56),
which involves wrapping a belt with either wet cotton or nylon

²A copy is included as an appendix to our decision.

wrappers, does not carry any implication that the wrapping material must necessarily be vapor-impervious. As noted in appellants' reply brief (page 2), it is well known that nylon material is often woven, as in hosiery, and in that state is not vapor-impervious. Further, there is no express teaching in Perkins that the pressure wrap technique must result in the formation of a vapor-impervious film.

That being said, we note that Perkins (column 3, lines 56-63) discloses an alternative technique which involves enveloping the belt with a "cocoon" of material to produce an "airtight heat resistant bag or envelope" around the belt. Appellants concede on page 7 of their brief that this material might fairly be classified as vapor-impervious. Certainly, the requirement that it be "airtight" implies that it must be impervious to gases or vapors.

In our view, appellants' claims read on the "airtight bag or envelope" embodiment of Perkins. Appellants propose to make a distinction between "wrapping" a material around the belt, as in claim 1, and "collapsing" a material around the belt, as in Perkins. We cannot subscribe to this position since "wrapping", broadly construed, encompasses the technique of collapsing an airtight material around a belt to envelop the belt. In this regard, we refer to the Webster's dictionary definition of the verb

Appeal No. 2001-0368
Application No. 09/008,675

"wrap" which includes "to envelop, surround or embrace". We also note that appellants' second independent claim, claim 14, does not even use the term "wrap" or "wrapping".

We now turn to the rejection of claims under 35 U.S.C. § 103 based upon the teachings of Perkins alone. With regard to claims 2 and 15, consistent with the reasoning advanced by the examiner, we are of the opinion that it would have been obvious and eminently logical to a person of ordinary skill in the art to extend the bag or envelope of Perkins over the edges of a belt sleeve in order to ensure that the "airtight" and "heat resistant" protections afforded by the bag or envelope are extended to all portions of the belt sleeve, even its axially facing ends.

Finally, since appellants do not challenge the basis for the examiner's combination of Hamura with Perkins, we find it unnecessary to comment upon the Hamura reference. Suffice it to say that the rejection based upon the combined teachings of Perkins and Hamura is affirmed for the reasons advanced in the examiner's answer.

For all of the reasons above, the decision of the examiner is affirmed.

Appeal No. 2001-0368
Application No. 09/008,675

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED

Marc L. Caroff

MARC L. CAROFF//
Administrative Patent Judge



CHARLES F. WARREN
Administrative Patent Judge

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Administrative Patent Judge

MLC/lp

Appeal No. 2001-0368
Application No. 09/008,675

JOHN S. MORTIMER
WOOD PHILLIPS VANSANTEN CLARK & MORTIMER
500 WEST MADISON STREET
SUITE 3800
CHICAGO, IL 60661